

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DESMOND WITHERSPOON,

Plaintiff,

v.

DESMOND M. WITHERSPOON,

Defendant.

Civil Action No. 14-6296 (SRC)

OPINION

CHESLER, District Judge

This matter comes before the Court on the application filed by Plaintiff Desmond Witherspoon to proceed in forma pauperis without prepayment of fees, pursuant to 28 U.S.C. § 1915. The Court finds that Plaintiff qualifies for in forma pauperis status, yet his Complaint will nevertheless be dismissed.

The Court must examine the merits of Plaintiff's claim and dismiss the action if it is frivolous or legally insufficient. See 28 U.S.C. § 1915(e)(2). Here, without providing any information, Plaintiff claims that he is entitled to "un-paid wages" from Desmond M. Witherspoon. Plaintiff submitted the same claim against the same Defendant in Civil Action No. 14-5642. The Court dismissed that claim because Plaintiff failed to state a basis for federal subject matter jurisdiction. This Complaint suffers from the same deficiency. Moreover, Plaintiff appealed the disposition in that case. The instant Complaint is therefore duplicative, and it also fails to state a facially plausible claim for relief.

Plaintiff has filed a multitude of one-sentence lawsuits in this Court, without the repayment of fees.¹ These efforts cumulatively abuse the in forma pauperis procedures set forth under 28 U.S.C. § 1915, and together they waste the Court's resources. The Court advises Plaintiff that pro se litigants are subject to Federal Rule of Civil Procedure 11, which prohibits the filing of frivolous or unsubstantiated claims. It further provides that the Court may sanction parties who violate these restrictions.

An appropriate Order will be filed.

s/Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge

Dated: October 20, 2014

¹ In recent weeks, Plaintiff filed the following lawsuits after applying for and obtaining in forma pauperis status: 2:14-cv-05455; 2:14-cv-05530; 2:14-cv-05531; 2:14-cv-05561; 2:14-cv-05641; 2:14-cv-05642; 2:14-cv-05643; 2:14-cv-05644; 2:14-cv-05645; 2:14-cv-05646, and 2:14-cv-05647. The Court screened each Complaint pursuant to 28 U.S.C. § 1915 and to ascertain whether subject matter jurisdiction existed. Each Complaint was dismissed. In recent days, Plaintiff has submitted the following additional Complaints, also accompanied by applications to file without repayment of fees: 2:14-cv-06094; 2:14-cv-06096; 2:14-cv-06296; 2:14-cv-06297; 2:14-cv-06298; 2:14-cv-06314. All but two of these new submissions merely restate claims against the same defendants as the previously dismissed suits.